

JURISDICTION:

TEXAS

General Reference:

This chapter summarizes Texas State statutes related to speed. Citations are to Vernon's Texas Transportation Code (Tran. Code).

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the circumstances then existing or under the conditions and having regard to actual and potential hazards. Tran. Code §545.351(a) & (b)(1)¹

Statutory Speed Limit:
See Other below.

Operating a vehicle in excess of the following speed limits is *prima facie* evidence that such speed is not reasonable and prudent and is unlawful. Tran. Code §545.352(a)

A) 70 MPH during the daytime on "numbered" highways and farm/ranch-to-market roads outside an urban district² Tran. Code §545.352(b)(2)

B) 65 MPH during the nighttime on "numbered" highways and farm/ranch-to-market roads outside an urban district² Tran. Code §545.352(b)(2)

C) 60 MPH during the daytime on highways that are not "numbered" and that are outside of an urban district Tran. Code §545.352(b)(3)

D) 55 MPH during the nighttime on highways that are not "numbered" and that are outside of an urban district Tran. Code §545.352(b)(3)

E) 30 MPH in an urban district Tran. Code §545.352(b)(1)

F) 15 MPH in an alley Tran. Code §545.352(b)(1)

G) 15 MPH on a beach Tran. Code §545.352(b)(5)

H) 15 MPH on a road adjacent to a public beach if declared by the commissioners court of the county. Tran. Code §545.352(b)(6) For counties with a population >200,000, this authority may be delegated to the county engineer. Tran. Code §251.159

I) Certain subdivision residents abutting a private road, not in a municipality, may petition the Texas Transportation Commission to extend the speed restrictions to such road. This applies only if there are at least 400 people that live in a subdivision and/or an across adjacent subdivision. Tran. Code §542.006(a)

J) Twenty-five percent (25%) of the property owners of a subdivision with privately maintained roads or the governing body of the entity that maintains these roads may petition the commissioners court of a county to extend any or all of the traffic rules (e.g., speed limits) to such subdivision's roads. Tran. Code §542.007

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the Texas Transportation Commission may alter the *prima facie* speed limits on State highways and limited-access or controlled highways inside or

Basis for a Speed Law Violation: (continued)

¹See also §1 of Ch. 295, Laws of 1995. Sec. 1 of Ch. 295, Laws of 1995, amended §166(a) of Art. 6701d even though such section was repealed and replaced by Tran. Code §§545.351 & 454.352. See Ch. 165, Laws of 1995. However, because of the provisions of Government Code §311.031(c) and the fact that, Ch. 295, Laws of 1995 was enacted after §166(a) of Art. 6701d was repealed and replaced, §1 of this chapter is given effect.

²These speed limits apply to passenger cars or light trucks towing a trailer or semitrailer used primarily to transport a motorcycle. Tran. Code §545.352(b)(2) A "light truck" is defined as a truck with a carrying capacity of ≤2,000 lbs. and includes pick-up trucks, panel delivery trucks and carry-all trucks. Tran. Code §545.352(d)(1)

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Posted (Maximum) Speed Limit: (continued)

outside of any municipality.³ Tran. Code §545.353(a) & (f)

II. Based on engineering and traffic investigations, the Texas Turnpike Authority or any Regional Tollway Authority may alter the *prima facie* speed limits on highways under its jurisdiction including those inside or outside any municipality.⁴ Tran. Code §545.354(a) & (d)

III. Based on engineering and traffic investigations, county court commissioners may increase the *prima facie* speed limits on highways under their jurisdiction. In addition, they may declare lower speed limits if the *prima facie* limits are unreasonable or unsafe.⁵ Tran. Code §545.355(a) For counties with a population >200,000, this authority may be delegated to the county engineer. Tran. Code §251.159

IV. Based on engineering and traffic investigations, municipalities may alter the *prima facie* speed limits on highways under their jurisdiction.⁶ Tran. Code §545.356(a) & (b)

V. Texas law gives United States military commanders the authority to alter the *prima facie* speed limits on state highways within a United States military reservation.⁷ Tran. Code §545.358

VI. Based on investigations, the Texas Transportation Commission, the Texas Turnpike Authority or a local government may establish safe maximum speed limits for bridges or other elevated structures under their jurisdiction. Tran. Code §545.361(e)

VII. The State Transportation Commission and local governments are required hold public hearings upon request once each calendar year to consider *prime facie* speed limits on highways that are under their respective jurisdictions and that are either near (1) public or private

³However, the following limitations apply. A speed limit cannot be established >70 MPH. And, the speed limits established for per Tran. Code §545.352(b)(5) for certain vehicles outside an urban district cannot be changed. Tran. Code §545.353(d)

⁴However, a speed limit cannot be established >70 MPH. Tran. Code §545.354(f)(2)

⁵However, a speed limit can neither be established >60 MPH nor <30 MPH. Tran. Code §545.355(a)

⁶However, a speed limit cannot be established >60 MPH. Tran. Code §545.356(a) & (b) Also, if there is a conflict in the established speed limits by a municipality and the Texas Transportation Commission for any highway, the speed limit established by the State prevails. Tran. Code §545.359

⁷However, a speed limit cannot be established >60 MPH. Tran. Code §545.358 Also, if there is a conflict in the established speed limits by the U.S. commander and the Texas Transportation Commission for any highway, the speed limit established by the State prevails. Tran. Code §545.359

elementary or secondary schools or (2) institutions of higher education. Tran. Code §545.357

VIII. The commissioners court of a county may request the Texas Transportation Commission to establish *prima facie* speed limits for farm/ranch-to-market roads without improved shoulders that are lower than those provided for under Tran. Code §545.352. Tran. Code §545.3535(a)

Minimum Speed Limit:

I. No person shall drive so slowly as to impede the normal and reasonable movement of traffic. Tran. Code §545.363(a)

Basis for a Speed Law Violation: (continued)

Minimum Speed Limit: (continued)

II. A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. Tran. Code §545.051(b)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the Texas Transportation Commission, the Texas Turnpike Authority or a local government may establish minimum speed limit for any highway under their jurisdiction. Tran. Code §545.363(b)

Other:

I. Operating the following types of vehicles in excess of the given speed limits is *prima facie* evidence that such speed is not reasonable and prudent and is unlawful. Tran. Code §545.352(a)

A) A manufactured house or house trailer cannot be towed in excess of the posted speed limit or >55 MPH whichever is less. Code §623.101(a)

B) A school bus with a commercial motor vehicle inspection cannot be driven >60 MPH outside an urban district on a "numbered" highway or farm-to-market road. Tran. Code §545.352(b)(4)(A)

C) A school bus without a commercial motor vehicle inspection cannot be driven >50 MPH outside an urban district Tran. Code §545.352(b)(4)(B)

D) A school bus with or without a commercial motor vehicle inspection cannot be driven >50 MPH outside an urban district on a highway that has not been "numbered". Tran. Code §545.352(b)(4)(B)

E) 60 MPH during the daytime on highways that are outside of an urban district for trucks (e.g., truck tractor, trailer or semitrailer) except for light trucks² Tran. Code §545.352(b)(4)(C)

F) 55 MPH during the nighttime on highways that are outside of an urban district for trucks (e.g., truck tractor, trailer, or semitrailer) Tran. Code §545.352(b)(4)(C)

II. 30 MPH is the maximum speed limit in a county park that borders the Gulf of Mexico. Tran. Code §750.002

III. A vehicle equipped with solid rubber or cushion tires may be operated >10 MPH. Tran. Code §545.361(b)

IV. Self-propelled agricultural machinery used for planting "food materials" and not designed for transportation purposes may not be operated >30 MPH. Tran. Code §545.361(d)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Misdemeanors. Tran. Code §§542.301 & 750.002(b)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

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Imprisonment:
Term (Day, Month, Years,
Etc.): **None**

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Mandatory Minimum Term:
Fine:
Amount (\$ Range): **\$1 to \$200** Tran. Code §§542.401 & 750.002(b)
Mandatory Min. Fine (\$): **None**

Other Penalties:
Traffic School:
Other: **Double Fines.**⁸ If a speeding offense occurs in a construction zone, the minimum and maximum fines are **doubled**. Tran. Code §542.404

Licensing Action:
Type of Licensing Action
(Susp/Rev): **Suspension or Revocation** at the discretion of the licensing agency. This action is based on either (1) on habitually reckless or negligent vehicle operation or (2) on habitual violation of the traffic laws.⁹ Tran. Code §§521.163, 521.294(a) & (b)(4)¹⁰

Term of License Withdrawal
(Days, Months, Years, etc.): **Revocation-Indefinite Period** Tran. Code §521.306(a)
Suspension-Not more than 1 year Tran. Code §521.306(b)

Mandatory Minimum Term of
Withdrawal: **Revocation**-The revocation period **cannot** be probated and, therefore, appears to be mandatory. Tran. Code §521.306(a)
Suspension-None A suspension may be probated and is, therefore, not

⁸The law also provides for **double fines** (i.e., from \$1 but not more than \$200 to \$2 but not more than \$400) for violating a "warning sign" in a construction zone. Tran. Code §472.022(a) & (d).

⁹An "habitual violator" is defined as a person who has committed either 4 or more traffic offenses within 12 months or 7 or more offenses within 24 months. Tran. Code §521.294(h)

¹⁰See also §2 of Ch. 434, Laws of 1995. Sec. 2 of Ch. 434, Laws of 1995, amended §22(b) of Art. 6787b even though such section was repealed and replaced by Tran. Code §521.294. See Ch. 165, Laws of 1995. However, because of the provisions of Government Code §311.031(c) and the fact that, Ch. 434, Laws of 1995, was enacted after §22(b) of Art. 6687b was repealed and replaced, §2 of this chapter it is given effect.

mandatory.¹¹ Tran. Code §521.303(a)

Miscellaneous Sanctions
Not Included Elsewhere:

Deferred Disposition. Except for speeding >25 MPH over the speed limit, persons charged with traffic offenses may be allowed to participate in a deferred disposition program. Under this program, an offender must plead guilty or no contest to the offense and complete a "driving safety course." The court defers imposition of judgment for 180 days and dismiss the charge when the course has been completed. Code of Criminal Procedure, Art. 45.541

Other Criminal Actions Related to Speeding:

Racing on Highway:

Misdemeanor Tran. Code §§542.301(b) & 545.420

Sanctions:

Criminal Sanction:

None

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

\$1 to \$200 Tran. Code §542.401

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension or Revocation (Discretionary) based on either habitually reckless/negligent vehicle operation or habitual violation of the traffic laws.⁹ Tran. Code §§521.163, 521.294(a) & (b)(4)¹⁰

Length of Term of

Licensing Withdrawal:

Revocation-Indefinite Period Tran. Code §521.306(a)

Suspension-Not more than **1 year** Tran. Code §521.306(b)

Mandatory Action--Minimum

Length of License

Withdrawal:

Revocation-The revocation period **cannot** be probated and, therefore, appears to be mandatory. Tran. Code §521.306(a)

Suspension-**None** A suspension may be probated and is, therefore, not mandatory.¹¹ Tran. Code §521.303(a)

Other:

Double Fines.⁸ If a offense occurred in a construction zone, the minimum and maximum fines are **doubled**. Tran. Code §542.404

Deferred Disposition. An offender may be able to participate in the deferred disposition program. See Miscellaneous Sanctions for speeding offenses on p. 246 for details.

Reckless Driving:

Misdemeanor Tran. Code §545.401(a) & (b)

Sanction:

Criminal:

Imprisonment (Term):

Not more than **30 days** Tran. Code §545.401(b)(2)

Mandatory Minimum Term

of Imprisonment:

None

Fine (\$ Range):

Not more than **\$200** Tran. Code §545.401(b)(1)

Mandatory Minimum Fine:

None

¹¹If a license suspension is probated, the offender must be placed on probationary status for a period of 90 days to 2 years. Tran. Code §521.303(c)

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Administrative Licensing Actions:

Type of Licensing Action
(Susp/Rev):

Suspension or Revocation at the discretion of the licensing agency. This action is based either (1) on habitually reckless or negligent vehicle operation or (2) on habitual violation of the traffic laws.⁸ Tran. Code §§521.163, 521.294(a) & (b)(4)⁹

Length of Term of License
Withdrawal Action:

Revocation-Indefinite Period Tran. Code §521.306(a)
Suspension-Not more than 1 year Tran. Code §521.306(b)

Mandatory Term of License
Withdrawal Action:

Revocation-The revocation period **cannot** be probated and, therefore, appears to be mandatory. Tran. Code §521.306(a)
Suspension-None A suspension may be probated and is, therefore, not mandatory.¹¹ Tran. Code §521.303(a)

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)
Other:

Double Fines.⁸ If a offense occurred in a construction zone, the maximum fine is **doubled**. Tran. Code §542.404
Incarceration Costs. A person, who has been convicted of a misdemeanor offense, may be required to pay the cost, at a rate of \$25 per day, for any incarceration time that they serve in a county jail.
Indigent defendants may not be required to pay this cost. Code of Criminal Procedure Art. 42.038(a) & (c)
Deferred Disposition. An offender may be able to participate in the deferred disposition program. See Miscellaneous Sanctions for speeding offenses on p. 246 for details.

Commercial Motor Vehicle (CMV) Operators¹²:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹³ within a 3 year period or (2) commit 3 such violations within a 3 year period.
Tran. Code §522.081(a)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Tran. Code §522.081(a)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Tran. Code §522.081(a)

¹²A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. Tran. Code §522.003(5)

¹³A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. Tran. Code §522.003(25)